

# SENATE BILL REPORT

## ESHB 1094

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As of April 4, 2019

**Title:** An act relating to establishing compassionate care renewals for medical marijuana qualifying patients.

**Brief Description:** Establishing compassionate care renewals for medical marijuana qualifying patients.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Blake and Walsh).

**Brief History:** Passed House: 3/12/19, 87-9.

**Committee Activity:** Labor & Commerce: 3/26/19, 3/28/19 [DPA-WM].

**Ways & Means:** 4/05/19.

### Brief Summary of Amended Bill

- Exempts a qualifying patient from the requirement to have an in-person physical examination when seeking to renew a medical marijuana authorization, if a health care professional finds that an in-person examination would likely result in a severe hardship to the qualifying patient and a physical examination is performed with telemedicine technology.
- Exempts a qualifying patient from the requirement to be physically present and have a photograph taken when seeking to renew registration in the Medical Marijuana Authorization Database and a recognition card, if a health care professional finds it would likely result in a severe hardship to the qualifying patient.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun, Saldaña, Walsh and Wellman.

**Staff:** Richard Rodger (786-7461)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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## SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Alia Kennedy (786-7405)

**Background:** Since 1998 Washington law has allowed qualifying patients to use limited amounts of marijuana for medicinal purposes. A qualifying patient is a person who is the patient of a health care professional who has diagnosed the patient as having a terminal or debilitating medical condition. A health care professional may issue an authorization form to a patient to use marijuana for medical purposes if the health care professional has completed an in-person examination of the patient, documented the patient's terminal or debilitating medical condition, advised the patient about the risks and benefits of using marijuana for medical purposes, and advised the patient that he or she may benefit from the medical use of marijuana. The authorization expires after one year for adult qualifying patients and after six months for qualifying patients under eighteen years old. An in-person physical examination is also required to renew an authorization form.

The qualifying patients or their designated provider must either have an authorization form from their health care professional or must be entered into the Medical Marijuana Authorization Database (database) and receive a recognition card. The recognition card allows them to possess additional quantities of marijuana and plants, receive arrest protection, and receive an exemption from sales tax on marijuana purchases.

To be entered in the database and receive a recognition card, a qualifying patient or designated provider must bring the authorization from the health care professional to a marijuana retailer with a medical marijuana endorsement. At that time, the retailer enters the person into the database, takes the person's photograph, and provides the qualifying patient or designated provider with a photo-ID recognition card. The recognition card may be renewed upon reexamination by a health care professional and the issuance of a new authorization by the marijuana retailer, including a new photograph.

**Summary of Amended Bill:** A health care professional may indicate on a qualifying patient's authorization for the medical use of marijuana that the person qualifies for a compassionate care renewal. The compassionate care option applies if a health care professional determines that requiring the qualifying patient to renew a registration in person would likely result in severe hardship to the qualifying patient because of a physical or emotional condition.

A compassionate care renewal allows: (1) the health care professional to conduct subsequent physical examinations through the use of telemedicine technology; and (2) allows a designated provider to renew a qualifying patient's registration in the database and obtain a recognition card without the need for the qualifying patient to be physically present at a marijuana retailer or to have a photograph taken.

The policy related to compassionate care renewals begins November 1, 2019; however, the Department of Health (DOH) may adopt rules to implement compassionate care renewals and streamline administrative functions.

Expired provisions are eliminated related to health care professionals reporting the number of authorizations issued for the medical use of marijuana, and DOH reporting on the cost of the database.

**EFFECT OF LABOR & COMMERCE COMMITTEE AMENDMENT(S):** Restores the option for health care professionals to conduct subsequent physical examinations of their patients for the purpose of renewing a medical marijuana authorization from, by the use of telemedicine technology, for patients who qualify for a compassionate care renewal.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Substitute House Bill (Labor & Commerce):** *The committee recommended a different version of the bill than what was heard.* None.

**Persons Testifying (Labor & Commerce):** No one.

**Persons Signed In To Testify But Not Testifying (Labor & Commerce):** No one.

**Staff Summary of Public Testimony on the Bill as Amended by Labor & Commerce (Ways & Means):** PRO: This is one-time cost legislation that limits the amount of time and paperwork needed to renew medical marijuana authorization status. The bill will help parents who are unable to take their children to the doctor every six months, to renew the authorization form and then to a dispensary to have their child's picture taken. Health care professionals who are familiar with their terminal patients are able to renew these forms through telemedicine technology.

**Persons Testifying (Ways & Means):** PRO: John Barclay, citizen.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.